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A-1
COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Planning Commission

| | | | | | | | | | |
|--|--|--|-----------------------------|------------------------------------|--|-----------------------------------|--|----------------------------------|--|
| MEETING DATE November 10, 2005 | CONTACT/PHONE Andrea Miller, 781-4171 | APPLICANT Alvin Algee | FILE NO. AGP2004-00025 | | | | | | |
| SUBJECT Proposal by Alvin Algee to alter the boundaries of an existing agricultural preserve and contract on approximately 169 acres by adding an adjoining 0.5 acre parcel under the same ownership. The project site is approximately 0.5 acre within the Agricultural land use category and is located along La Panza Road at the intersection of La Panza and Little Farm Road, approximately 1 mile north east of the community of Creston. The site is in the El Pomar-Estrella planning area. | | | | | | | | | |
| RECOMMENDED ACTION Recommend approval of this request to alter the boundaries of an existing agricultural preserve and contract to the Board of Supervisors as follows: <table><tr><td>Preserve Designation:</td><td>El Pomar Agricultural Preserve No. 10 Amendment No. 1</td></tr><tr><td>Minimum Parcel Size :</td><td>80 Acres</td></tr><tr><td>Minimum Term of Contract:</td><td>Remaining Term of Existing Contract</td></tr></table> | | | | Preserve Designation: | El Pomar Agricultural Preserve No. 10 Amendment No. 1 | Minimum Parcel Size : | 80 Acres | Minimum Term of Contract: | Remaining Term of Existing Contract |
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| ENVIRONMENTAL DETERMINATION Categorical Exemption (Class 17) ED04-553 | | | | | | | | | |
| LAND USE CATEGORY Agriculture | COMBINING DESIGNATION None | ASSESSOR PARCEL NUMBER 042-211-004 | SUPERVISOR DISTRICT(S) 5 | | | | | | |
| PLANNING AREA STANDARDS: None Applicable | | LAND USE ORDINANCE STANDARDS: Section 22.22.040C(2) – Minimum parcel size for new agricultural preserves | | | | | | | |
| EXISTING USES: Vacant | | | | | | | | | |
| SURROUNDING LAND USE CATEGORIES AND USES: <table><tr><td><i>North:</i> Agriculture/Vineyard</td><td><i>East:</i> Agriculture/Grazing</td></tr><tr><td><i>South:</i> Agriculture/Grazing</td><td><i>West:</i> Agriculture/ Rural Residences</td></tr></table> | | | | <i>North:</i> Agriculture/Vineyard | <i>East:</i> Agriculture/Grazing | <i>South:</i> Agriculture/Grazing | <i>West:</i> Agriculture/ Rural Residences | | |
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| <i>South:</i> Agriculture/Grazing | <i>West:</i> Agriculture/ Rural Residences | | | | | | | | |
| OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Ag Commissioner | | | | | | | | | |
| TOPOGRAPHY: Relatively flat, 0% to 2% slope | | VEGETATION: Native Grasses | | | | | | | |
| PROPOSED SERVICES: None required | | ACCEPTANCE DATE: June 6, 2005 | | | | | | | |
| ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER - SAN LUIS OBISPO, CALIFORNIA 93408 (805) 781-5600 FAX: (805) 781-1242 | | | | | | | | | |

PROJECT REVIEW

Background

The applicant, Alvin Algee, owns parcels surrounding the site that are currently under land conservation contract. The application request involves the expansion of the surrounding El Pomar-Estrella Agricultural Preserve No. 10, and the amendment of the existing land conservation contract abutting the site to the south, to include the subject 0.5 acre parcel.

Site and Area Characteristics

The closest agricultural preserve is adjacent to the project site on the south. The project site is currently vacant.

The following table shows the Natural Resources Conservation Service soils rating of the site and the existing adjacent land conservation contract:

| Land Capability Class | | Irrigated Crop Suitability | Rangeland Suitability | Dry Farm Suitability | Acres to be added | Existing Acres | Total Acres |
|-----------------------|------------------|----------------------------------|--------------------------|-------------------------|----------------------|-------------------|----------------|
| If Irrigated | If Non-Irrigated | | | | | | |
| I | IV | Well-Suited | Well-Suited | Well-Suited | 0.5 | 44 | 44.5 |
| II | IV | Well-Suited | Well-Suited | Well-Suited | | 10 | 10 |
| III | IV | Well-Suited | Well-Suited | Well-Suited | | 16 | 16 |
| IV | IV | Suited | Suited | Suited | | 99 | 99 |
| | | | | | | Total | 169.5 |

Exhibit A shows the location, topography, and land use designations of the site and adjacent properties.

Compliance with the Agricultural Preserve Rules of Procedure

The site qualifies as an addition to an existing agricultural preserve and contract according to Item Bld(2) in the Rules of Procedure, which provides for the following: *"A property owner under contract who acquires adjacent parcels of any size may add this land by amendment of the existing agricultural preserve and contract; the contract amendment is to recognize the remaining term of the original contract, but in no event less than 10 years."* The proposed contract to be amended is 0.5 acre on the north side of the site consisting of APN 042-211-004.

The minimum parcel size for the site and existing contract area to be added is 80 acres. The minimum term of contract is the remaining term of existing contract.

Agricultural Preserve Review Committee

The Review Committee meeting was held from 1:30 to 4:00 p.m. on June 27, 2005, at the U.C. Cooperative Extension auditorium in San Luis Obispo. The agenda included three requests to establish new agricultural preserves to enable applicants to enter into land conservation contracts, two requests to amend the boundaries of existing agricultural preserves and contracts to add land; two requests to rescind a contract and simultaneously enter into two new contracts to reflect the division of the property into two parcels, and a discussion of airstrips on contracted land.

Voting members of the Review Committee present were Don Warden (Agricultural Liason Committee), Irv McMillan (Environmental Organization Member), Wayne Jensen (Farm Advisor), Hugh Pitts (Farm Bureau), Ed Carson (Land Conservancy of San Luis Obispo County) arriving for item 8 was Robert M. Sparling (Public-at-Large Member), Lynda Auchinachie (County Agricultural Commissioner's Office), Sara Sylwester (County Assessor), and Warren Hoag (County Planning and Building Department).

Absent from the meeting were representatives of the Farm Service Agency, Cattlemen's Association, Soil Science Member. The meeting was chaired by Warren Hoag. Staff reports were presented to the committee by Terry Wahler and Andrea Miller of the Planning and Building Department.

The applicant, Alvin Algee, was present for this item. Staff described the applicant's request and summarized the staff report including the current agricultural uses, areas in irrigated vineyard and the suitability of the soils for the intended agricultural use. Alvin Algee provided some background on the historical use of the property, the certificates of compliance and proposed lot line adjustment, and the request to add the adjoining 0.5 acre parcel to the contracted property. He also discussed his intention to have two resulting parcels in excess of 80 acres.

Staff clarified for the Review Committee that one of the primary goals of the request was to meet the conditions of approval for the Certificate of Compliance. The Conditional Certificate required that the 0.5 acre parcel be added to the applicant's adjacent land, and added into the existing land conservation contract.

Staff further described the applicant's goal of having two resulting parcels in excess of 80 acres. Warren Hoag noted that the original contract has an 80 acre minimum parcel size. Committee Members discussed the implications of the proposal with staff and the applicant. Concern was raised by some Committee Members that the lot line adjustment was being used to allow the contracted property to be separated into two legal parcels.

Staff responded that the Lot Line Adjustment was not before the Review Committee, just the request to expand the existing agricultural preserve and contract to add land. Staff further clarified that the intention was to make each resulting parcel conform to the current Rules of Procedure with 20 or more acres of irrigated vineyard for each proposed parcel.

Following the discussion, Robert Sparling moved that the committee recommend approval of the request. This motion was seconded by Sara Sylwester and approved by the Review committee 7 to 1 with Irv Mc millan dissenting because he felt that the addition of this small parcel would facilitate the separation of the larger contracted property into two legal parcels with the potential conveyance to separate owners, and the potential breaking up of agricultural land into smaller properties.

RECOMMENDATIONS

Recommend approval of this request to alter the boundaries of an existing agricultural preserve and contract to the Board of Supervisors as follows:

| | |
|----------------------------------|--|
| Preserve Designation: | El Pomar Agricultural Preserve No. 10 Amendment No. 1 |
| Minimum Parcel Size: | 80 Acres |
| Minimum Term of Contract: | Remaining Term of Existing Contract |

FINDINGS

- A. The proposed amendment of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element and the Agricultural and Open Space Element, and the county's Rules of Procedure to Implement the California Land Conservation Act of 1965.
- B. The proposed amendment of this agricultural preserve is appropriate and consistent with the character of the surrounding area.

Report prepared by Andrea Miller and Terry Wahler
and reviewed by Warren Hoag, Division Manager
Agricultural Preserve Program

Date: